

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DIGITAL IMPACT, INC., a Delaware corporation,

Plaintiff,

v.

BIGFOOT INTERACTIVE, INC., a Delaware corporation,

Defendant.

AND RELATED COUNTERCLAIM

NO. C05 00636 SBA

~~PROPOSED~~ CLAIM
CONSTRUCTION ORDER

The Court, having considered the briefs and materials provided by the parties and the arguments presented during the April 6, 2007 hearing regarding the construction of disputed terms in the claims of U.S. Patent 6,449,634, hereby construes the disputed terms as follows:

The claim term “E-mail message” is construed to mean “an electronic message.”

The claim term “E-mail client” is construed to mean “a computer or similar electronic device with software on it for receiving, processing and displaying E-mail messages and operated by a human user either by virtue of previously programmed software that allows it to operate automatically or by virtue of direct action of the human user.”

The claim term “determining” is construed to mean “the E-mail client ascertaining.”

The claim term “indicating” is construed to mean “the E-mail client communicating the result of the determining step.”

1 The claim term “displaying” is construed to mean “the E-mail client making visible or
2 bringing into view.”

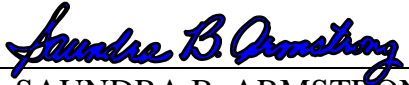
3 The claim term “receiving” is construed to mean “the E-mail client acquiring the E-mail
4 message.”

5 The claim term “opening” is construed to mean “the E-mail client initiating the determining,
6 processing and displaying of the E-mail message.”

7 The claim term “sending a response” is construed to mean “the E-mail client
8 communicating the result of the determining step.”

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10 **IT IS SO ORDERED.**

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13 DATED: 4/13/07

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15 HON. SAUNDRA B. ARMSTRONG
16 UNITED STATES DISTRICT JUDGE
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